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In re Application of :
SCHMITT et al. :
U.S. Application No. 10/019,082 :
PCT No.: PCT/US01/24587 :
Int. Filing Date: 02 August 2001 :
Priority Date: 03 August 2000 :
Attorney Docket No.: 0035-ET-PCT :
For: ELECTRONIC AND OPTICAL :
MATERIALS FROM HIGH PRESSURE :

COMMUNICATION

The above-identified application is before the PCT Legal Office for considerations of issues arising under 35 U.S.C. 371.

On 02 August 2001, applicants filed international application PCT/US01/24587 which claimed a priority date of 03 August 2000. A Demand for international preliminary examination was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States is to expire at midnight on 03 February 2003.

On 26 December 2001, applicants filed "Submission of U.S. Filing Declaration Subsequent U.S. National Stage Filings." The transmittal stated that, "enclosed herewith is an original U.S. Filing Declaration (7 pages) for entry into the file of the above identified PCT application for subsequent U.S. National Stage filing." The declaration was treated as a request for national stage entry under 35 U.S.C. 371 and was stamped with serial number 10/019,082.

On 30 July 2002, applicants submitted unsigned communication via facsimile which stated, "a declaration for subsequent U.S. filing was submitted to the PCT branch of the USPTO for submission into the file of PCT/US01/24587 so that the Declaration would be in the file for the subsequent U.S. National stage entry. This was NOT a request for U.S. National stage entry, and no such request for U.S. National Stage entry has been made."

COMMUNICATION

As stated above, the declaration submitted on 26 December 2001 was treated as a request for National Stage entry in the U.S. under 35 U.S.C. 371. Since it was not applicants' intention to enter the National Stage at this time, the declaration will be placed in application no. 10/019,082 until applicants request further processing of the national stage application for PCT/US01/24587.

Applicants should use application number 10/019,082 in all future communications with the Patent and Trademark Office in regards to the U.S. national stage of the international application no. PCT/US01/24587.

Applicants are advised that the basic national fee must be paid prior to 03 February 2003 to avoid abandonment of the international application with respect to the U.S. National Stage. The application is being forwarded to the United States Designated/Elected Office to await further filings.



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